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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PACIRA PHARMACEUTICALS, INC.,

Plaintiff,

v.

RESEARCH DEVELOPMENT
FOUNDATION,

Defendant.

Case No. 2:21-cv-02241-CDS-DJA

**JOINT MOTION TO AMEND
PROTECTIVE ORDER**

1 Plaintiff Pacira Pharmaceuticals, Inc. (“Pacira”), and Defendant/Counter-Claimant
 2 Research Development Foundation (“RDF”) (collectively, the “Parties”), by and through their
 3 respective counsel, and subject to this Court’s approval, submit the following Joint Motion to
 4 Amend Protective Order.

5 On May 4, 2022, the Court entered the Parties’ Stipulated Protective Order, ECF No. 42,
 6 subject to certain modifications, including provisions governing the procedures for
 7 filing documents under seal with this Court. *See* ECF No. 44. The Court specifically ordered:

8 If the sole ground for a motion to seal is that the opposing party (or
 9 non-party) has designated a document as confidential, the designator
 10 shall file (within seven days of the filing of the motion to seal) either
 11 (1) a declaration establishing sufficient justification for sealing each
 document at issue or (2) a notice of withdrawal of the designation(s)
 and consent to unsealing.

12 ECF No. 44 at 3:15-21. The Parties respectfully move the Court to amend this provision of the
 13 Protective Order as detailed below.

14 The Parties are currently briefing Pacira’s Motion to Reopen Discovery, ECF No. 91,
 15 with briefing scheduled to be completed on March 14, 2023. *See* L.R. 7-2(b). In addition, the
 16 Parties’ dispositive motions are due on March 6, 2023, with briefing scheduled to be completed
 17 on April 10, 2023. *See id.*; ECF No. 90 at 3. The parties anticipate that the forthcoming briefing
 18 on these motions will contain material designated as Confidential or Highly Confidential by the
 19 opposing party, requiring multiple declarations pursuant to the operative Protective Order. To
 20 limit the number of declarations submitted and consolidate the Parties’ justifications for seeking
 21 to file materials under seal, the Parties propose adding the following provision to the
 22 aforementioned paragraph of the Operative Protective Order:

23 Notwithstanding the foregoing, if the filing proposed to be sealed is
 24 a motion or brief or exhibit thereto, the Parties shall, within fourteen
 25 days of completion of briefing on the underlying motion, file a joint
 26 submission (1) identifying the information to be sealed, accompanied
 27 by sufficient justification for sealing each document at issue, or (2) a
 notice of withdrawal of the designation(s) and consent to unsealing.
 28 The Parties’ will meet and confer in preparing their joint submission.
 The joint submission will include a proposed public version of the
 sealed documents redacting only the information that the parties seek
 to maintain under seal. For the avoidance of doubt, the Parties shall

1 file any required submissions relating to briefing on Pacira's Motion
2 to Reopen Discovery by March 28, 2023, and any required
3 submissions relating to briefing on the Parties' dispositive motions
by April 24, 2023.

4 This Court has the authority to modify or lift protective orders that it has entered. *See*
5 *Oracle USA, Inc. v. Rimini St., Inc.*, 2012 WL 6100306, at *10 (D. Nev. Dec. 7, 2012) (citing
6 *Empire Blue Cross & Blue Shield v. Janet Greeson's A Place For Us, Inc.*, 62 F.3d 1217, 1219
7 (9th Cir.1995)). Here, the Parties' proposed modification streamlines the sealing process and
8 eliminates the need for the Court to review multiple declarations from each side throughout the
9 pendency of briefing related to Pacira's Motion to Reopen Discovery and the Parties' dispositive
10 motions.

11 For the foregoing reasons, the Parties respectfully request the Court to enter the proposed
12 modification to the Protective Order.

13 Respectfully submitted this 6th day of March, 2023.

14
15 **ALLISON MacKENZIE, LTD.**

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PACIRA PHARMACEUTICALS, INC.

PROPOSED ORDER

The foregoing proposed modification to the Parties' Protective Order (ECF No. 44) is GRANTED. **IT IS HEREBY ORDERED** that the Parties Protective Order, ECF No. 44, at 3:15-21, be amended to state:

Notwithstanding the foregoing, if the filing proposed to be sealed is a motion or brief or exhibit thereto, the Parties shall, within fourteen days of completion of briefing on the underlying motion, file a joint submission (1) identifying the information to be sealed, accompanied by sufficient justification for sealing each document at issue, or (2) a notice of withdrawal of the designation(s) and consent to unsealing. The Parties' will meet and confer in preparing their joint submission. The joint submission will include a proposed public version of the sealed documents redacting only the information that the parties seek to maintain under seal. For the avoidance of doubt, the Parties shall file any required submissions relating to briefing on Pacira's Motion to Reopen Discovery by March 28, 2023, and any required submissions relating to briefing on the Parties' dispositive motions by April 24, 2023.

IT IS SO ORDERED.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: March 7, 2023

CASE NO. 2:21-cv-02241-CDS-DJA

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on this day, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and that service will be accomplished on all counsel and persons requesting notice by the Court CM/ECF system, which will send notification of such filing to their email addresses.

DATED this 6th day of March, 2023.

/s/ Kimberly Peets
Kimberly Peets